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Remarks/Arguments

Claims 2-14 and 17-21 are pending in this application. Of these, claims 2, 17 and 21 are

independent claims.

The Applicant thanks the Examiner for the telephonic interview conducted on March 10,

2009. During the interview, the Applicant's agent highlighted four deficiencies in the rejection of

independent claim 2 from the Final Action and discussed related deficiencies in the rejections of

corresponding independent claims 17 and 21. The Examiner appeared to acknowledge these

deficiencies and recommended filing a written response so that examination may be reopened.

The present response has accordingly been prepared.

The four deficiencies in the rejection of claim 2 are as follows.

Firstly, under the heading "Regarding claim 2" on page 2 of the Final Action, it is stated

in the first sentence that "[r]eferring to claim 2 Mikhailov discloses all the limitations of claim 2

which is described above." However no description of any limitations of claim 2 could be found

above.

Secondly, in the sixth sentence under the same heading of page 2 of the Final Action,

reference is made to Fig. 61 of Mikhailov. Mikhailov does not contain any Fig. 61.

Thirdly, the Examiner excerpts a portion of Mikhailov, starting at the sixth sentence under

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not appear to be relevant to the claim. In particular, whereas claim 2 pertains to receipt of a given

the heading "Regarding Claim 2" on page 2 of the Final Action through page 4, line 2, that does

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message from a wireless communication device, queuing of the message, dequeuing of the

message and pushing of the message toward a destination for an application of an application

server (among other claim features), the excerpted portion of Mikhailov pertains to a server-

<u>initiated</u> content delivery process wherein a delivery request <u>originates</u> at the application server.

In other words, the flow of content in the excerpted portion of Mikhailov appears to be from the

server to the user terminal (specifically, to the PAT at the user terminal). In contrast, the message

flow of claim 2 occurs in essentially the opposite direction, i.e. from the wireless communication

device toward the application server.

Fourthly, at page 4 of the Final Action, the Examiner admits that "Mikhailov did not

disclose a method of enabling use of an application server application by wireless communication

device comprising, at a transaction server: on receipt of a given message from said wireless

communication device for said application on said application server". However, the Examiner

suggests that this feature is well known in the art as taught by Fascenda. Yet the cited portion of

Fascenda fails to disclose any transaction server. Indeed, Fascenda's architecture appears to be a

client-server architecture, lacking any intermediary components between the client and server

(see, e.g., the heading at column 9, line 26 of Fascenda and FIG. 3, client device 108 and server

114). Thus the Examiner's contention is challenged as unsupported.

Following the Examiner interview, a fifth deficiency in the rejection of claim 2 has been

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identified. Specifically, the statement at page 2 of the Final Action beginning with the second

sentence under the heading "Regarding claim 2", i.e. "Mikhailov also discloses queuing said

given message on said a [sic] queue for said application; and subsequent to said queuing, pushing

said given message, and each message queued on said queue, toward a destination for said

application of said application server, and wherein said pushing comprises, for each message on

said queue, dequeuing said each message from said queue and pushing said each message",

appears to be directly contradicted by a subsequent Examiner statement later in the Final Action.

In particular, starting at page 26, line 2 of the Final Action, the Examiner states "Mikhailov did

not disclose on receipt of a given message from said wireless communication device for said

application on said application server, queue said given message on a queue for said application;

and subsequent to said queuing, push said given message, each message queued on a queue for

said application, toward a destination for said application of said application server, wherein said

pushing comprises, for each message on said queue, dequeuing said each message from said

queue and pushing said each message" [emphasis added]. The former statement cannot stand in

light of the later statement.

In view of these various deficiencies, the Applicant submits that the rejection of claim 2

under 35 USC 103(a) cannot be sustained. Moreover, in view of the adoption of similar reasoning

for rejecting claims dependent from claim 2, the rejection of the dependent claims also cannot be

sustained. Withdrawal of the rejections is therefore requested.

With regard to claim 17, the above-noted first, second and third deficiencies, mutatis

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mutandis, are equally applicable to the claim. Moreover, to the extent that claims dependent

from claim 17 build upon the same grounds of rejection, the rejection of those dependent claims

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is traversed for the same reasons.

Finally, the rejection of claim 21 is traversed on the grounds that Fascenda fails to

disclose the feature that it is alleged to disclose. In particular, the Examiner states at page 26.

lines 14-19 of the Final Action, that Fascenda discloses, at column 10, lines 62-67 to col. 11,

lines 1-21, "on receipt of a given message from said wireless communication device for said

application on said application server, queue said given message on a queue for said application;

and subsequent to said queuing, push said given message, each message queued on a queue for

said application, toward a destination for said application of said application server, wherein said

pushing comprises, for each message on said queue, dequeuing said each message from said

queue and pushing said each message." Yet, this portion of Fascenda appears to merely disclose

a client request and an ensuing server response. Such an exchange is typically considered to be

the hallmark of "pull" technology. In contrast, claim 1 pertains (in part) to "push" technology.

Thus it is unclear how the cited portion of Fascenda in any way discloses the relevant limitation.

In view of the foregoing, favorable reconsideration and allowance of the application are

earnestly solicited.

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Respectfully submitted,

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